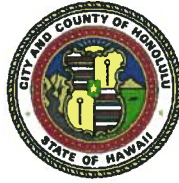


DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813

Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov



June 20, 2014

MICHAEL D. FORMBY  
DIRECTOR

MARK N. GARRITY, AICP  
DEPUTY DIRECTOR

RECEIVED  
CITY CLERK  
C & C OF HONOLULU  
2014 JUN 26 AM 10:57  
K. CALDWELL  
MAYOR

RECEIVED  
2014 JUN 23 A 11:27  
CITY COUNCIL  
HONOLULU, HAWAII

The Honorable Kymberly Marcos Pine, Chair  
and Members  
Committee on Intergovernmental Affairs  
and Human Services  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Pine and Councilmembers:

SUBJECT: Requesting the Committee to Amend Resolution 14-130  
(Requesting Authorization from the City Council to File an Application  
for Federal Transportation Assistance with the Federal Transit  
Administration for Grant Application 49 U.S.C. Section 5307 Funds) to  
a CD1 Version

We regret that the wrong draft resolution was inadvertently submitted and subsequently introduced on June 6, 2014. We respectfully request that the as-introduced Resolution 14-130 be amended to a CD1 version using the draft form attached with this letter.

We apologize for the confusion and inconvenience our error has caused. Please contact Eileen Mark, Chief, Public Transit Division, at 768-8379 should you have any questions regarding this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Formby".  
Michael D. Formby  
Director

Attachment

APPROVED:

A handwritten signature in black ink, appearing to read "Ember Lee Shinn".

Ember Lee Shinn  
Managing Director



## **RESOLUTION**

---

**AUTHORIZING THE DIRECTOR OF TRANSPORTATION SERVICES OR THE DIRECTOR'S DESIGNEE TO APPLY FOR AND ENTER INTO GRANT AGREEMENT HI-90-X034 WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.**

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended (ROH), provides that any intergovernmental agreement or any amendments thereto which place an obligation upon the City or any department or agency thereof shall require prior City Council consent and approval; and

WHEREAS, ROH Chapter 1, Article 8, also provides that, when carrying out the provisions of any intergovernmental agreement, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the City or its component departments to any other governmental or quasi-governmental agency shall first be presented to the City Council for its review and approval prior to their transmittal; and

WHEREAS, the Federal Transit Administration (FTA) is an operating administration of the United States Department of Transportation; and

WHEREAS, the Federal Transit Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, the grants or cooperative agreements for Federal financial assistance will impose certain obligations upon the City, and may require the City to provide the local share of project costs; and

WHEREAS, the City's Application for FTA Grant HI-90-X034, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof, requests \$23,123,112.00 in Title 49 U.S.C. 5307 funds for Bus Preventive Maintenance and Job Access and Reverse Commute (JARC); and

WHEREAS, the Director of the Department of Transportation Services (DTS) desires to submit the Application to the FTA on behalf of the City; and

WHEREAS, if the FTA, following the receipt and review of the Application, approves the Application, the FTA will then offer the City \$23,123,112.00 or an amount substantially equal to \$23,123,112.00 in Title 49 U.S.C. 5307 funds for Bus Preventive Maintenance and JARC; and



## RESOLUTION

---

WHEREAS, the FTA's offer will be in the form of a standard document entitled "Grant Agreement" (FTA G-20, October 1, 2013) which becomes Part 9 of the Application, and the combined documents will comprise the complete agreement upon execution of the Grant Agreement form by the City; and

WHEREAS, the Grant Agreement form from the FTA incorporates by reference and makes a part of the agreement the following, which set forth obligations of the City;

- (1) Federal Transit Administration Master Agreement, October 1, 2013 (<http://www.fta.dot.gov/documents/20-Master.pdf>), a copy of which was transmitted by the DTS Director to the Council by Departmental Communication No. 390, dated May 19, 2014;
- (2) The Certifications and Assurances provided to the FTA by the City, a copy of which was transmitted by the DTS Director to the Council by Departmental Communication No. 388, dated May 19, 2014, and supplemented by Departmental Communication No. 399 from the DTS Director, dated May 21, 2014; and
- (3) Any Award notification containing special conditions or requirements, if issued;

NOW, THEREFORE,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Application for FTA Grant HI-90-X034, attached hereto as Exhibit "A," for Federal assistance authorized by 49 U.S.C. Chapter 53 and Title 23, United States Code and other Federal statutes administered by the FTA, is hereby approved; and

BE IT FURTHER RESOLVED that the DTS Director or the Director's designee is authorized to submit the Application to the FTA on behalf of the City and County of Honolulu in substantially the form attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED that if the FTA approves the Application and transmits the Grant Agreement form (Part 9) to the City, the DTS Director or the Director's designee is authorized to execute the Grant Agreement form on behalf of the City if the only obligations of the City are those set forth in the FTA Master Agreement and Certifications and Assurances described in (1) and (2) above; and



---

## RESOLUTION

---

BE IT FURTHER RESOLVED that the DTS Director or the Director's designee is authorized to:

1. Execute any incidental or related agreements in furtherance of the above agreement, provided that such agreements and documents do not incur additional obligations on the part of the City; and
2. Make minor or editing changes, provided that no substantive additions or deletions are made;

and

BE IT FURTHER RESOLVED that if the FTA's subsequent offer to the City for Grant HI-90-X034 is made subject to any conditions, requirements, or obligations other than the above-described FTA Master Agreement and Certifications and Assurances, the DTS Director shall submit the agreement for prior consent and approval by the Council pursuant to ROH Chapter 1, Article 8; and

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the DTS Director at the Fasi Municipal Building, 650 South King Street, 3<sup>rd</sup> Floor, Honolulu, HI 96813.

INTRODUCED BY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers